

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FRIST. Madam President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar Nos. 414, 415, 416, 422, 423, 426, 427, 428, and nominations on the Secretary's desk. I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, and the President be notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

THE JUDICIARY

Brian F. Holeman, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Craig S. Iscoe, of the District of Columbia, to be Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

FEDERAL LABOR RELATIONS AUTHORITY

Dale Cabaniss, of Virginia, to be a Member of the Federal Labor Relations Authority for a term of five years expiring July 29, 2007.

COAST GUARD

The following named officer for appointment in the United States Coast Guard Reserve to the grade indicated under Title 10, U.S.C., section 12203:

To be rear admiral

Capt. John C. Acton, 3694

The following named officers for appointment in the United States Coast Guard to the grade indicated under title 14, U.S.C., section 271:

To be rear admiral (lower half)

Capt. Arthur E. Brooks, 5540

Capt. Richard R. Kelly, 4209

Capt. David P. Pekoske, 6564

Capt. Fred M. Rosa, 1832

Capt. Timothy S. Sullivan, 4325

SECURITIES AND EXCHANGE COMMISSION

Paul S. Atkins, of Virginia, to be a Member of the Securities and Exchange Commission for a term expiring June 5, 2008.

FEDERAL RESERVE SYSTEM

Ben S. Bernanke, of New Jersey, to be a Member of the Board of Governors of the Federal Reserve System for a term of fourteen years from February 1, 2004.

Roger Walton Ferguson, Jr., of Massachusetts, to be Vice Chairman of the Board of Governors of the Federal Reserve System for a term of four years.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

COAST GUARD

PN926 Coast Guard nominations (3) beginning CHRISTINA M. SCHULTZ, and ending KURT M. VAN HAUTER, which nominations were received by the Senate and appeared in the Congressional Record of September 10, 2003.

PN928 Coast Guard nominations (5) beginning MICHAEL A. ALFULTIS, and ending KURT A. SEBASTIAN, which nominations were received by the Senate and appeared in the Congressional Record of September 10, 2003.

PN927 Coast Guard nominations (83) beginning DANIEL B. ABEL, and ending PAUL E.

WIEDENHOEFT, which nominations were received by the Senate and appeared in the Congressional Record of September 10, 2003.

PN1045 Coast Guard nominations (155) beginning DELANO G. ADAMS, and ending RUSSELL H. ZULLICK, which nominations were received by the Senate and appeared in the Congressional Record of October 16, 2003.

EXECUTIVE CALENDAR

Mr. FRIST. Madam President, I ask unanimous consent that the Senate proceed to the consideration of the following additional nominations on the Executive Calendar: Nos. 412 and 413. I ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

THE JUDICIARY

Joseph Michael Francis Ryan III, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Jerry Stewart Byrd, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

AMENDMENT NO. 1938, AS MODIFIED

Mr. FRIST. Madam President, I ask unanimous consent that the previously agreed to Feinstein amendment No. 1938 to H.R. 2989 be modified with the changes that are at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

(Purpose: To modify section 130 to extend the prohibition under that section to the use of funds to provide maximum hours of service for certain drivers engaged for motion picture or television production)

On page 33, between lines 10 and 11, insert the following:

SEC. 131. No funds appropriated or otherwise made available by this Act may be used to implement or enforce any provisions of the Final Rule, issued on April 16, 2003 (Docket No. FMCSA-97-2350), with respect to either of the following:

(1) The operators of utility service vehicles, as that term is defined in section 395.2 of title 49, Code of Federal Regulations.

(2) Maximum daily hours of service for drivers engaged in the transportation of property or passengers to or from a motion picture or television production site located within a 100-air mile radius of the work reporting location of such drivers.

ORDERS FOR MONDAY, OCTOBER 27, 2003

Mr. FRIST. Madam President, I ask unanimous consent that when the Sen-

ate completes its business today, it adjourn until 12 noon, Monday, October 27. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of H.R. 2800, the Foreign Operations appropriations bill, until 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. FRIST. As in executive session, I ask unanimous consent that at 2 p.m. on Monday, the Senate resume consideration of Executive Calendar No. 405, Michael Leavitt, to be Administrator of the Environmental Protection Agency. I further ask unanimous consent that the time until the scheduled cloture vote at 5:30 be divided with the chairman of the committee or his designee to control 1 hour and 15 minutes and the ranking member or designee in control of 2 hours and 15 minutes. I further ask unanimous consent that the final 20 minutes before the vote be equally divided with the last 10 minutes under the chairman's control.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Madam President, we will resume business on Monday afternoon. The two managers of the Foreign Operations appropriations bill will be here and available so that Members may come to the floor and offer amendments. As always, I encourage Senators to notify their respective cloakrooms if they intend to offer an amendment to this bill. At this time there are only a few amendments that have come forward that are known. Therefore, I hope the Senate will complete the bill by early next week. I do remind my colleagues the first vote of Monday's session will be at 5:30. Under the order, that vote will be on invoking cloture on the Leavitt nomination. I fully expect that cloture will be overwhelmingly invoked, and the Senate will then be able to have an up-or-down vote on the confirmation of this qualified candidate to the President's cabinet. We have provided time on Monday for Senators to speak prior to the vote. However, again, I hope once that vote is taken, we will be able to move quickly to a vote on the confirmation of Michael Leavitt.

I want to also mention once again the very important issues that still need to be addressed prior to the adjournment of this session. There are a number of issues, including Healthy Forests, the Internet tax moratorium, the CARE Act, going to conference, gun liability—that is, the Protection of Lawful Commerce in Arms Act—fair credit reporting, on which we reached